

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23

PETITION FOR WAIVER OF SPRINT CORPORATION

Sprint Nextel Corporation (“Sprint”) hereby respectfully requests a waiver of Section 54.410(f) of the Commission’s Rules (47 C.F.R. § 54.410(f)) as regards the annual eligibility re-certification of Sprint’s post-paid Lifeline customer base.¹ Sprint will have relinquished its high-cost ETC designations in all of its jurisdictions effective December 31, 2012, and will no longer be providing Lifeline service after that point. To require or attempt re-certification of Sprint’s post-paid Lifeline customers under these circumstances would be confusing to those customers and will have no meaningful impact on efforts to prevent waste, fraud and abuse in the Lifeline program.

I. BACKGROUND AND INTRODUCTION

Section 54.410(f) of the Commission’s Rules requires that ETCs re-certify their Lifeline subscribers annually to ensure that these end users remain eligible for Lifeline

¹ This petition for waiver does not affect the annual eligibility re-certification of the Assurance Wireless pre-paid Lifeline customer base.

benefits. In the *Lifeline Reform Order*, the Commission specified that ETCs “must re-certify the eligibility of their Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013.”² Where there is no Lifeline eligibility database (the situation for the majority of subscribers to be queried for the initial re-certification effort), Sprint and other ETCs will be required to contact their customers directly and obtain a signed certification that meets the requirements set forth in Section 54.410(d).³ Customers for whom re-certification is not obtained will be de-enrolled from the Lifeline program.

In WT Docket No. 08-94, Sprint agreed to reduce its federal high-cost USF support beginning in January 2009.⁴ On September 3, 2010, the Commission released an order providing instructions for implementing this commitment.⁵ Among other things, the *Implementation Order* specified that Sprint could meet its high-cost USF phase-out obligation through “line loss, relinquishment of ETC status, or other circumstances....”⁶

² *Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking* released February 6, 2012 (FCC 12-11), para. 130.

³ Among other things, this rule requires the end user to certify that he meets the income-based or program-based eligibility criteria; that he will notify the carrier within 30 days if he no longer is eligible to receive Lifeline benefits; and that his household receives only one Lifeline benefit.

⁴ *Sprint Nextel Corp. and Clearwire Corporation, Applications For Consent to Transfer Control of Licenses, Leases, and Authorizations*, WT Docket No. 08-94, 23 FCC Rcd 17570 (2008).

⁵ *In the Matter of High-Cost Universal Service Support*, WC Docket No. 05-337, *Federal-State Joint Board on Universal Service, Request for Review of Decision of Universal Service Administrator by Corr Wireless Communications, LLC*, CC Docket No. 96-45, *Order* released Sept. 3, 2010 (FCC 10-155) (“*Implementation Order*”).

⁶ *Id.*, n. 39.

In order to meet the phase-out obligation, Sprint's Nextel and Sprint Corp. affiliates have relinquished their high-cost ETC designations in each of the 25 jurisdictions in which they were designated, on a staggered schedule, and as of December 31, 2012, will have relinquished all such ETC designations.

As part of its relinquishment plan, Sprint provides written notice to each of its Lifeline customers advising that it will no longer provide Lifeline service discounts as an ETC. The notice informs these subscribers that the monthly Lifeline credit will be discontinued within 45 days, and that the subscriber has the option of continuing to receive the same service from Sprint without the Lifeline discount or selecting an alternative calling plan. The notice further informs these subscribers that discounted Lifeline service may be obtained from one of the remaining ETCs in the area, and that if the customer chooses to leave Sprint because of Sprint's relinquishment of its ETC designation, an early termination fee will not be charged.

As of June 1, 2012, Sprint had a total of 544 post-paid Lifeline service subscribers. Sprint will remove the Lifeline discount from all of its then-current post-paid Lifeline customers' accounts after their December 2012 billing cycle, and will have no post-paid Lifeline customers by January 2013.

II. REQUEST FOR WAIVER

Sprint requests a waiver of the annual eligibility re-certification requirements set forth in Section 54.410(f) of the Rules as it applies to Sprint's post-paid Lifeline customers of record as of June 1, 2012. Grant of this request is warranted under Section 1.3 of the Commission's Rules (47 C.F.R. § 1.3), which provides that the Commission

will grant a waiver for “good cause shown.”⁷ Good cause and unique circumstances are present in this case as follows.

First, as explained above, with the relinquishment of all of its high-cost ETC designations, Sprint will cease offering Lifeline service to its post-paid subscribers after December 31, 2012. Current Sprint Lifeline customers will either leave the Lifeline program completely, or will switch to another Lifeline service provider which will, presumably, ascertain their eligibility to participate in the program *de novo*. Thus, no existing (as of June 1, 2012) Sprint Lifeline customers will continue to receive Lifeline benefits for which they are not eligible, the situation which Section 54.410(f) of the Rules was designed to help prevent, and grant of the requested waiver will have no measurable impact on the Commission’s efforts to eliminate waste, fraud and abuse in the Lifeline program.

Second, waiving the requirement that Sprint obtain eligibility re-certification for these subscribers is justified to avoid considerable customer confusion. As part of its ETC relinquishment process, Sprint contacts each of its post-paid Lifeline customers advising them of their service options. Multiple communications are planned to ensure that these customers understand what is happening and what their service options are. To send an annual eligibility re-certification letter to these customers in addition to the ETC relinquishment-related communications would be extremely confusing and contradictory.

Third, the number of customers affected by the requested waiver is very low – only 544 as of June 1, 2012 (with the customer count expected to continue to fall through the end of this year). Any possible cost savings to the federal Lifeline program resulting

⁷ See also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

from implementation by Sprint of the Section 54.410(f) requirements would be miniscule, and far outweighed by the resultant customer confusion and administrative expenses incurred.

Good cause exists for the grant of the requested waiver. The instant request will not undermine the goal of the Commission's rule, but will avoid significant customer confusion and is warranted by the unique circumstances present here.

Respectfully submitted,

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